

THE

DECLARATION

OF THE

ESTATES

OF THE

KINGDOM

OF

SCOTLAND,

Containing the Claim of Right, and the Offer of the
CROWN to Their *Majesties*, King
WILLIAM and Queen *MARY*;

Together with the Grievances Represented by the E-
states; and Their *Majesties* Oath at Their Accep-
tance of the CROWN.





The Declaration of the Estates of the Kingdom of Scotland, containing the Claim of Right, and the Offer of the CROWN to their Majesties King WILLIAM and Queen MARY.

Edinburgh, the Eleventh day of April, 1689.

WHereas King *James* the Seventh, being a profest *Papist*, did Assume the Regal Power, and Acted as King, without ever taking the Oath required by Law, whereby the King, at His Access to the Government, is obliged to Swear, to maintain the Protestant Religion, and to Rule the People according to the Laudable Laws; and did by the Advice of Wicked and Evil Counsellors, Invade the Fundamental Constitution of this Kingdom, and Altered it from a Legal Limited Monarchy, to an Arbitrary Despotick Power; And in a publick Proclamation, asserted an Absolute Power, to cass, annull and disabill all the Laws, particularly Arraigning the Laws, establishing the Protestant Religion, and did Exerce that Power, to the Subversion of the Protestant Religion, and to the Violation of the Laws and Liberties of the Kingdom.

By Erecting Publick Schools, and Societies of the *Jesuits*; and not only allowing *Mass* to be publickly said, but also Inverting Protestant Chapels and Churches to publick *Mass-Houses*, contrary to the ~~English~~ Laws against Saying and Hearing ~~of Mass~~.

By allowing *Popish-Books* to be Printed, and dispersed by a Gift to a *Popish* Printer; Designing him Printer to His *Majesties* Houshold, Colledge and Chappel, contrary to the Laws.

By taking the Children of Protestant Noblemen and Gentlemen, sending and keeping them abroad, to be bred *Papists*, making great Fonds and Dotations to *Popish* Schools and Colledges abroad; bestowing Pensions upon Priests, and perverting Protestants from their Religion, by offers of Places, Preferments and Pensions.

By dis-arming Protestants, while at the same time he Employed *Papists* in the Places of greatest Trust, Civil and Military; Such as Chancellor, Secretaries, Privy Counsellors, and Lords of Session, thrusting out Protestants, to make Room for *Papists*, and entrusting the Forts and Magazins of the Kingdom in their hands.

By Imposing Oaths contrary to Law.

By giving Gifts and Grants for exacting Money, without Consent of *Parliament*, or Convention of *Estates*.

By Levying, or keeping on Foot a standing Army in time of Peace, without Consent of *Parliament*, which Army did exact Locality, free and dry Quarters.

By Employing the Officers of the Army, as Judges through the Kingdom, and Imposing them where there were Heretable Offices and Jurisdicions, by whom many of the Leidges were put to death summarly, without Legal Tryal, Jury or Record.

By Imposing Exorbitant Fines, to the Value of the Parties Estates, Exacting Extravagant Bale; and disposing Fines and Forefautures before any Process or Conviction.

By Imprisoning Persons without expressing the Reason, and delaying to put them to Tryal.

By causing Pursue and Forefault several Persons upon stretches of old and obsolete Laws, upon frivolous and weak Pretences, upon Lane and Defective Probations; as particularly the late Earl of *Argyl*, to the Scandal and Reproach of the Justice of the Nation.

By Subverting the Right of the Royal Burghs, the third Estate of *Parliament*, Imposing upon them not only Magistrats, but also the whole Town-Council, and Clerks, contrary to their Liberties, and Express Charters without the Pretence either of Sentence, Surrender, or Consent; So that the Commissioners to *Parliaments* being chosen by the Magistrats and Council, the King might in effect also well nominate that entire Estate of *Parliament*; and many of the saids Magistrats put in by him, were avowed *Papists*, and the Burghs were forced to pay Money for the Letters, Imposing these Illegal Magistrats and Councils upon them.

By sending Letters to the Chief Court of Justice, not only ordaining the Judges to stop and desist *sine die* to determine Causes; but also Ordering and Commanding them how to proceed, in Cases depending before them, contrary to the Express Laws; and by changing the Nature of the Judges Gifts *ad vitam aut culpam*, and giving them Commissions *ad beneplacitum*, to dispose them to Compliance with Arbitrary Courses, and turning them out of their Offices, when they did not Comply.

By granting Personal Protections for Civil Debts, contrary to Law.

All which are utterly and directly contrary to the known Laws, Statutes and Freedoms of this Realm.

Therefore the Estates of the Kingdom of *Scotland*, Find and Declare, that King *James* the Seventh being a *Profest Papist* did Assume the Regal Power, and Acted as King, without ever taking the Oath, required by Law, and hath by the Advice of Evil and Wicked Counsellors, Invaded the Fundamental Constitution of the Kingdom, and altered it from a Legal Limited Monarchy, to an Arbitrary Despotick Power, and hath Exercised the same, to the Subversion of the Protestant Religion, and the Violation of the Laws and Liberties of the Kingdom, Inverting all the Ends of Government, whereby he hath Forefaulted the Right to the Crown, and the Throne is become Vacant.

And whereas His Royal Highness, *William* then Prince of *Orange*, now King of *England*, whom it hath pleased Almighty GOD to make the Glorious Instrument of delivering these Kingdoms from *Popery*, and Arbitrary Power, Did, by the Advice of Several Lords and Gentlemen of this Nation, at *London* for the time, call the Estates of this Kingdom to meet the Fourteenth of *March* last, In Order to such an Establishment, as that their Religion, Laws and Liberties might not be again in Danger of being Subverted; And the saids Estates being now Assembled, in a Full and Free Representative of this Nation, Taking to their most serious Consideration, the best Means for attaining the Ends aforesaid, Do, in the first Place, as their Ancestors in the like Cases have usually done, for the Vindicating and Asserting their Ancient Rights, and Liberties, Declare,

That by the Law of this Kingdom, no *Papist* can be King or Queen of this Realm, nor bear any Office whatsoever therein; nor can any Protestant Successor exercise the Regal Power, untill He or She Swear the Coronation Oath.

That all Proclamations asserting an Absolute Power, to Cass, Annull, and Disable Laws, the Erecting Schools and Colledges for *Jesuits*, the Inverting Protestant Chappels and Churches to Publick Mass-houses, and the allowing Mass to be said, are contrary to Law.

That

That the Allowing Popish Books to be Printed and Dispersed, is contrary to Law.

That the taking the Children of Noble-men, Gentle-men, and others, sending and keeping them abroad to be bred Papists, the making Fonds and Dotations to Popish Schools and Colledges, the bestowing Pensions on Priests, and the perverting Protestants from their Religion, by offers of Places, Preferments, and Pensions, are contrary to Law.

That the Disarming of Protestants, and Employing Papists in the Places of greatest Trust, both Civil and Military, the thrusting out Protestants, to make room for Papists, and the intrusting Papists with the Forts and Magazines of the Kingdom, are contrary to Law.

That the Imposing Oaths without Authority of Parliament, is contrary to Law.

That the giving Gifts or Grants, for raising of Money, without the consent of Parliament, or Convention of Estates, is contrary to Law.

That the employing the Officers of the Army as Judges through the Kingdom, or Imposing them where there were Heretable Offices and Jurisdictions, and the putting the Leidges to death summarly, and without Legal Tryal, Jury, or Record, are contrary to Law.

That the Imposing of extraordinary Fines, the exacting of exorbitant Bale, and the disposing of Fines, and Forfaultures before Sentence, are contrary to Law.

That the Imprisoning Persons, without expressing the Reason thereof, and delaying to put them to Tryal, is contrary to Law.

That the causing Pursue and Forefault Persons, upon stretches of old and obsolete Laws, upon frivolous and weak pretences, upon lame and defective Probation, as particularly the late Earl of Argile, are contrary to Law.

That the Nominating and Imposing the Magistrats, Councils, and Clerks, upon Burghs, contrary to their Liberties and expresse Charters, is contrary to Law.

That the sending Letters to the Courts of Justice, Ordaining the Judges to stop or desist from Determining Causes, or Ordaining them how to proceed in Causes depending before them, and the changing the nature of the Judges Gifts *ad vitam aut culpam*, into Commissions *durante beneplacito*, are contrary to Law.

That the granting Personal Protections for Civil Debts, is contrary to Law.

That the forcing the Leidges to Depone against themselves in Capital Crimes, however the punishment be restricted, is contrary to Law.

That the using Torture without Evidence in ordinary Crimes, is contrary to Law.

That the sending of an Army in an Hostile manner, upon any part of the Kingdom, in a peaceable time, and exacting of Locality, and any manner of free Quarter, is contrary to Law.

That the Charging of the Leidges with Law-borrows at the King's instance, and the Imposing of Bonds without the Authority of Parliament, and the Suspending Advocats from their Employments, for not Compearing when such Bonds were offered, were contrary to Law.

That the putting of Garrisons in privat Mens Houses in time of Peace, without their consent, or the Authority of Parliament, is contrary to Law.

That the Opinions of the Lords of Session in the two Cases following, were contrary to Law, viz. 1°. That the concealing the demand of a Supply for a Forefaulted Person, although not given, is Treason: 2°. That Persons refusing

fusing to discover what are their privat Thoughts and Judgments, in relation to points of Treason, or other mens Actions, are guilty of Treason.

That the Fyning Husbands for their Wives withdrawing from the Church, was contrary to Law.

That Prelacy & the Superiority of any Office in the Church, above Presbyters, is and hath been a great and insupportable grievance and trouble to this Nation, and contrary to the Inclinations of the Generality of the People, ever since the Reformation (they having Reformed from Popery by Presbyters) and therefore ought to be abolished.

That it is the Right and Priviledge of the Subjects, to Protest for Remeed of Law to the King and Parliament, against Sentences pronounced by the Lords of Session, providing the same do not stop Execution of these Sentences.

That it is the Right of the Subjects to Petition the King, and that all Imprisonments and Prosecutions for such Petitioning, are contrary to Law.

That for Redress of all Grievances, and for the Amending, Strengthening, and Preserving of the Laws, Parliaments ought to be frequently called, and allowed to sit, and the freedom of Speech and Debate secured to the Members.

And they do Claim, Demand, and Insist upon all and sundry the Premisses, as their undoubted Right and Liberties, and that no Declarations, Doings, or Proceedings, to the prejudice of the People, in any of the said Premisses, ought in any wise to be drawn hereafter, in Consequence or Example, but that all Forefaulturs, Fines, loss of Offices, Imprisonments, Banishments, Pursuits, Persecutions, Tortures, and rigorous Executions be considered, and the Parties Lesed be Redressed.

To which Demand of their Rights, and Redressing of their Grievances, they are particularly encouraged by his Majesty, the King of *England* His Declaration for the Kingdom of *Scotland*, of the day of *October* last, as being the only means for obtaining a full Redress and Remedy therein.

Having therefore an entire Confidence, that His said Majesty, the King of *England*, will perfect the Deliverance so far advanced by Him, and will still preserve them from the Violation of their Rights, which they have here Asserted, and from all other Attempts upon their Religion, Laws and Liberties.

The said Estates of the Kingdom of *Scotland*, Do Resolve that *WILLIAM* and *MARY*, King and Queen of *England*, *France* and *Ireland*, Be, and be Declared King and Queen of *Scotland*, to hold the Crown and Royal Dignity of the said Kingdom of *Scotland*, to Them the said King and Queen, during Their Lives, and the longest Liver of Them, and that the Sole and Full Exercise of the Regal Power, be only in, and Exercised by Him the said King, in the Names of the said King and Queen, during their Joynt Lives, and after their Decease, the said Crown and Royal Dignity of the said Kingdom, to be to the Heirs of the Body of the said Queen, which failing, to the Princess *Ann* of *Denmark*, and the Heirs of her Body, which also failing, to the Heirs of the Body of the said *WILLIAM* King of *England*.

And they do Pray the said King and Queen of *England* to accept the same accordingly.

And that the Oath hereafter mentioned, be Taken by all Protestants, of whom the Oath of Allegiance, and any other Oaths and Declarations might be required by Law, instead of them, and that the said Oath of Allegiance, and other Oaths and Declarations may be Abrogated.

The OATH.

I A. B. Do sincerely Promise and Swear, That I will be Faithful, and bear True Allegiance to Their Majesties, King WILLIAM and Queen MARY. So help me GOD.

And the Estates Do Ordain, That this Declaration be Ingrossed in Parchment, and Recorded in the Register Books of Parliament.

Follows the Grievances Represented by the Estates of the Kingdom of SCOTLAND, to the KING'S most Excellent Majesty, to be Redressed in PARLIAMENT.

THE Estates of the Kingdom of Scotland, Do Represent, That the Committee of Parliament, Called the Articles, is a great Grievance to the Nation, and that there ought to be no Committees of Parliament, but such as are freely Chosen by the Estates, to prepare Motions and Overtures that are first made in the House.

That the first Act of Parliament 1669. Is inconsistent with the Establishment of the Church-Government, now desired, and ought to be Abrogated.

That Forefaulturs in prejudice of Vassals, Creditors and Heirs of Entail, are a great Grievance.

That the obliging the Liedges to Depone upon Crimes against Delinquents, otherways than when they are Adduced in special Processes, as Witnesses, is a great Grievance.

That Assizes of Error are a Grievance, and that Furies be considered by Parliament.

That the eighteenth Act of Parliament 1681. Declaring a Cumulative Jurisdiction, is a Grievance.

That the Commisariat Courts, as they are now Constitute, are a Grievance.

That the Twenty seventh Act of Parliament 1663. Giving to the King Power to Impose Custom at pleasure, upon Forraign Import and Trade, is a Grievance, and prejudicial to the Trade of the Nation.

That the not taking an Effectual Course to Repress the Depredations and Robberies by the Highland Clans, is a Grievance.

That the Banishment by the Council of the greatest part of the Advocats from Edinburgh, without a Process, was a Grievance.

That the most of the Laws Enacted in the Parliament Anno 1685. are Impious and Intollerable Grievances.

That the Marriage of a King or Queen of this Realm to a Papist, is Dangerous to the Protestant Religion, and ought to be provided against.

That the Levying, or Keeping on Foot a Standing Army in time of peace, without Consent of Parliament, is a Grievance.

That all Grievances relating to the Manner and Measure of the Leidges, their Representation in Parliament be Considered and Redressed in the first Parliament.

That the Grievances of the Burrows be Considered and Redressed in the first Parliament.

The OATH taken by the King and Queen at Their Acceptance of the Crown of Scotland.

WE *WILLIAM* and *MARY*, King and Queen of *Scotland*, Faithfully Promise and Swear by this Our Solemn *OATH*, in presence of the Eternal *GOD*, That during the whole Course of Our Life, We will Serve the same Eternal *GOD*, to the utmost of Our Power, according as He has Required in His most Holy Word, Revealed and Contained in the Old and New Testaments; and according to the same Word, shall Maintain the True Religion of Christ Jesus, the Preaching of His Holy Word, and the due and right Ministration of the Sacraments, now Received and Preached within the Realm of *Scotland*; and shall Abolish and Gainstand all False Religion, contrary to the same; and shall Rule the People committed to Our Charge, according to the Will and Command of *GOD*, Revealed in His aforesaid Word, and according to the Love-able Laws and Constitutions, Received in this Realm, no wayes Repugnant to the said Word of the Eternal *GOD*, And shall procure to the uttermost of Our Power, to the Kirk of *GOD*, and whole Christian People, true and perfect Peace, in all time coming, That We shall preserve and keep Inviolated the Rights and Rents, with all just Priviledges of the Crown of *Scotland*; Neither shall We Transfer nor Alienat the same; That We shall Forbid and Repress, in all Estates and Degrees, Reife, Oppression, and all kind of Wrong; And We shall Command and Procure, That Justice and Equity in all Judgments, be kepted to all persons without Exception, as the Lord and Father of all Mercies shall be merciful to Us: And We shall be Careful to Root out all Hereticks and Enemies to the true Worship of *GOD*, that shall be Convict by the True Kirk of *GOD*, of the foresaid Crimes, out of Our Lands and Empyre of *Scotland*: And We Faithfully Affirm the Things above-written by Our Solemn Oath. Signed by Us at *Whitehall*, the Eleventh Day of *May*, One thousand six hundred fourscore and nine years.

WILLIAM R.
MARY R.

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At Edinburgh, the 21 of June 1689.

His Majesties Commissioner, and the Estates of Parliament, Do Ordain the Declaration of the Estates of this Kingdom, Containing the Claim of Right, and the Offer of the Crown to Their Majesties, King William and Queen Mary; With the Grievances Represented by the Estates; And the Oath Taken and Signed by the King and Queen, at Their Acceptance of the Crown, to be Printed. Extracted out of the Records of Parliament, by

AL. GIBSON, CLK

J J R J S.

